

From: Waterman, Bryan
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 12:40pm
Subject: Microsoft Settlement

To Whom It May Concern:

I am completely opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the current proposed settlement does not come even close to redressing the actions committed by Microsoft in the past, nor inhibit their ability to commit similar actions in the future.

Microsoft has been convicted of anti-trust violations. The proposed settlement provides no punishment that will convince Microsoft to change their corporate behavior, or does it provide adequate relief for the injured party: namely myself and millions of other computer users that are literally forced to use Microsoft products.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively prohibit Microsoft from abusing its current monopoly position in the operating system market. This is especially important in view of the seriousness of Microsoft's past transgressions.

Most important, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their previous abuses. They only prohibit the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit those acts again, they have still benefited from their illegal acts. That is not justice, not for the victims of their abuses and not for the American people in general.

While the Court's desire that a settlement be reached is well-intentioned, it is wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is compounded. This fact must be evident, given the huge public outcry against the proposed settlement, as well as the fact that many of the States Attorneys General have publically said that the proposed settlement does not provide any measure of justice. The follow is a list of minimum remedies that court should consider. Remember, Microsoft is guilty, do not let them buy their way out.

Proposed remedies

\$4 billion in fines, payable to the US government

Microsoft Windows, 2000, XP source code must become government property.

Rights to licence this code will be auctioned off just as the FCC auctions off spectrum rights. Microsoft will be allowed to keep the applications as copyrighted works, with the copy-right expiration date to be 2006.

All EULA agreements with Microsoft are declared void.

All licensing contracts with Microsoft are to be voided, and new contracts must be made publicly available. No more secret discounts.

Any prohibition against 'dual boot' computers must be declared void and immediately removed from any contracts with Microsoft. This provision should be implemented immediately, irrespective of the time line of other penalties.

If Microsoft violates the terms of the above remedies, they are to be broken up as a company

Sincerely,

Bryan Waterman

Using Microsoft products is like dealing with a cross between Marvin the Paranoid Android, HAL, and a VCR that always blinks 12:00.